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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/038,157 | 01/03/2002 | Robert P. Carlstedt | 60,130-1023; 01MRA0134 | 7799 |

26096 7590 11/07/2003

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EXAMINER

BUCHANAN, CHRISTOPHER R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3627

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,157

Applicant(s)

CARLSTEDT ET AL.

Examiner

Christopher R Buchanan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson alone.

With regard to claim 1, Johnson discloses a system for selling vehicles with a variety of design options (see abstract, Fig. 1A) that includes a communication module (102, Fig. 2) that enables a seller to obtain and provide information, a data module (103, 105, 106, 107) that provides information regarding the design options and is accessible by the communication module, and a demonstration module (60, Fig. 1B) that displays the selected vehicle options (see abstract, col. 2 line 17+). The design options are not shown to be suspension options, however, it would be obvious to one skilled in the art that the design options could include a variety of choices, including suspension options. With regard to claim 2, the system includes an ordering module to allow an order to be placed for a vehicle (col. 30 line 4+). With regard to claim 3, the system includes a customer profile module (374, Fig. 4) that stores customer preference information. With regard to claims 4-7, it would be obvious to one skilled in the art that the various modules could be placed at a variety of locations and could be automatic or manual.

3. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson alone.

Johnson discloses a method for selling vehicles with a variety of design options (see abstract, Fig. 1A) that includes providing information regarding the design options (col. 2 line 6+) and displaying the selected vehicle options (see abstract, col. 2 line 17+). The design options are not shown to be suspension options, however, it would be obvious to one skilled in the art that the design options could include a variety of choices, including suspension options. The system includes an ordering module to allow an order to be placed for a vehicle with the customer's selected options (col. 30 line 4+) and a customer profile module (374, Fig. 4) that stores customer preference information. It would be obvious to one skilled in the art that the suspension could be active or passive.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jacobs discloses a method for designing a product by comparing customer criteria to expert judgment. Hooban discloses a system that enables customers to customize and order a product over the Internet. Von Rosen et al. disclose a method for creating and ordering customized merchandise over a network. Fortner et al. disclose a method for retrieving door hardware data from a database to create a customized door.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Buchanan whose telephone number is 703-306-5782. The examiner can normally be reached on M-T 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Christopher Buchanan
October 30, 2003



ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
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